

Notice of Allowability

Application No.

09/822,623

Examiner

Victor S Chang

Applicant(s)

MALONEY, JAMES M.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/2/03.
2. ☒ The allowed claim(s) is/are 38-43.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1900

1700

Daniel Zinker

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kate DeVries Smith on 11/10/2003.

IN THE CLAIMS

38. (currently amended) An adhesive construction comprising:
- (a) a flexible label substrate having a first side and defining an outer perimeter edge;
 - (b) a first adhesive field comprising pressure sensitive adhesive and defining an outer perimeter adhesive field positioned on the first side of the flexible label substrate and adjacent the outer perimeter edge,
 - (i) the first adhesive field being a discontinuous pattern of spaced adhesive dots with adhesive covering no more than 70% and at least about 30% of an area of a portion of the first side of the flexible label substrate defined by the first adhesive field,
 - (ii) the area of a portion of the first side of the flexible label substrate defined by the first adhesive being at least 30 sq. mm.,

- (iii) the outer perimeter edge [having no segment of extension of greater than 5 mm. at which an adhesive dot is not present in the outer perimeter adhesive field immediately adjacent the outer perimeter edge] encountering some of the adhesive dots in the first adhesive field; each adhesive dot encountered by the outer perimeter edge being spaced from a next closest adhesive dot encountered by the outer perimeter edge by a distance along the outer perimeter edge of 5 mm. or less, and
 - (iv) the outer perimeter adhesive field having a dimension of extension inwardly from the outer perimeter edge of at least 1 mm.;
- (c) a second adhesive field comprising pressure sensitive adhesive and defining an inner adhesive field spaced from the outer perimeter edge and completely surrounded by the first adhesive field,
 - (i) the second adhesive field covering at least 90% of an area of a portion of the first side of the flexible label substrate defined by the second adhesive field,
 - (ii) the area of a portion of the first side of the flexible label defined by the second adhesive field being at least 30 sq. mm., and
 - (iii) the inner adhesive field having a dimension of extension inwardly from the outer perimeter adhesive field of at least 3 mm.;
- (d) an adhesive-free region on the first side of the flexible substrate completely surrounded by the inner adhesive field,

- (i) the adhesive-free region comprising at least 40% of a perimeter area defined by the flexible substrate outer perimeter edge, and
 - (ii) the adhesive-free region of the flexible substrate being transparent; and
- (e) wherein the first adhesive field and second adhesive field are applied in a single screen-printing process.

2. New corrected drawings are required in this application because the drawings are informal. For example, Fig.3 contains a hand-written correction. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

In the instant claimed invention, Applicants' amended claims overcome the prior rejections set forth in the last Office Action.

Applicant's argument is persuasive that Steidinger shows different arrangements for secondary adhesive pattern of dots or lines, i.e., the top and bottom edges of the perimeter do not have any adhesive lines immediately adjacent to, i.e., within 5 mm or less, etc., the outer perimeter edge, whereas the instantly claimed invention having the adhesive dot immediately at the outer perimeter edge (Remarks, page 6), and the newly

amended claim 38 recites that "the outer perimeter edge encountering some of the adhesive dots in the first adhesive field". As such, while Steidinger's adhesive pattern inherently avoids the gumming problem during die-cutting of the adhesive label, the capability of avoiding the gumming problem of the instant invention with the adhesive dot immediately at and also encountering the perimeter edge is nonobvious.